

# FLOODPLAIN MANAGEMENT ANNUAL CONFERENCE



## BRIEF DIALOGUE ON REGULATORY ALIGNMENT



## SESSION GOALS

- Assemble regulators, local agencies, NGOs and other stakeholders involved in floodplain projects
- Discuss key environmental regulatory challenges
- Discuss opportunities for improving regulatory alignment



# FLOODPLAIN ACTIVITIES

- Development of flood conveyance systems – planning, construction and maintenance
  - Levees, channels, basins, etc.
- Stream and floodplain restoration
  - Hydrologic and hydraulic changes – water quality, quantity, profile
  - Geomorphologic changes – physical alteration of streams, sediment management
  - Ecosystem changes – vegetation to support ecosystem functions



# TYPICAL REGULATORY AGENCIES INVOLVED

- Regional Water Quality Control Boards
- California Fish and Game
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife
- Coastal Commission
- Other



## CHALLENGE

*Environmental protection and public safety are too often in a trade-off relationship*

## CONSEQUENCES

- High Project Costs
- Longer Duration for Regulatory Reviews
- Less Effective Public Safety
- Less Effective Environmental Protection



# COMMON THEMES

- Need to address unclear, conflicting or mutually exclusive **regulatory objectives** or **requirements** for projects
  - Science & data
  - Balanced stakeholder input
- **Integrated Permitting** Guidance
- **Habitat Conservation** Practices



## COMMON THEMES (continued)

- Improved consistency and predictability in standards for **mitigation requirements** during project development and implementation
- Improved **programmatic permitting** process
- **CEQA / NEPA** and Project Planning
- **Mediation and Facilitation** toward Regulatory Alignment



# SPECIFIC STAKEHOLDER COMMENTS

## **Science and Data**

- Improve science and information regarding listed species and related mitigation requirements: State role
- Feature success stories that demonstrate the value of science and data to the regulatory process

## **Stakeholder Involvement**

- Improve and Leverage Involvement of NGOs – facilitate relationships with regulators, land owners, etc.
- Balanced input into regulatory requirements for projects



# STAKEHOLDER COMMENTS

## **Integrated Permitting**

- Resource Agencies – Develop Guidance on Integrated Permitting for Water Projects
- Improve Consistency in Definitions and Exemptions



# STAKEHOLDER COMMENTS

## **Managing Habitat Conservation Strategies**

### *Challenges:*

- Regulatory agencies are not using current, actual on-the-ground data about ecosystems and species

### *Opportunities:*

- Develop regional inventories of habitat and species information (cross-jurisdictional databases)
- HCP as a good source of information



# STAKEHOLDER COMMENTS

## **Programmatic Regional Permitting**

- Define Statewide Mitigation Standards for Regional Projects
- Support and Standardize “Advance Mitigation”
- Promote Consistency in Mitigation Requirements for Coastal O&M Activities
- Best Management Practices
- Minimize Changes to Mitigation Requirements
- Facilitate Mitigation Banking – State Mitigation Policy
- Track Mitigation Projects



# STAKEHOLDER COMMENTS (continued)

## Project Planning / CEQA

- Improve Early Project Definition Requirements
- Promote & Finance Early Regulatory Agency Involvement
  - Funding of regulatory agency staff involvement in project planning phase
- USACE: Include future project development costs in overall project costs



# STAKEHOLDER COMMENTS (continued)

## **Mediation & Facilitation**

State can be a key facilitator in aligning regulatory processes involving federal/state environmental regulations



# STAKEHOLDER COMMENTS (continued)

## **Mediation & Facilitation – Local/Regional Scale**

- Explore third party mediation
- Resolve unclear, conflicting or mutually exclusive project requirements with local/regional considerations

## **Mediation & Facilitation – Statewide Scale**

- Address over-arching issues through Statewide working group
- Levee Vegetation Roundtable collaborative model – facilitated high level key agency stakeholder group
- FEMA – regulatory floodway; RiskMAP framework



# Next Steps